

PUBLIC CHAPTER NO. 1191

SENATE BILL NO. 4186

By Kyle

Substituted for: House Bill No. 4149

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 4, relative to the operation and funding of state government and to fund the state budget for the fiscal years beginning on July 1, 2007, and July 1, 2008.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-1016(a), is amended by deleting the language "subsection (c)" and by substituting instead the language "this section" and by adding the following language as new subsections (d) and (e):

(d) In the fiscal years ending June 30, 2008, and June 30, 2009, transfers are authorized from the following funds, reserve accounts, and programs:

(1) Department of Finance and Administration for the Department of Revenue computerized titling and registration system accumulated fees created or referenced in Title 55, Chapter 4, Part 1;

(2) Department of Finance and Administration domestic violence community education fund created or referenced in Title 36, Chapter 3, Part 6;

(3) Department of Finance and Administration electronic fingerprint imaging systems fund created or referenced in Title 67, Chapter 4, Part 6;

(4) Department of Finance and Administration family violence shelter reserve created or referenced in Title 36, Chapter 6, Part 4;

(5) Department of Finance and Administration drug courts reserve created or referenced in Title 16, Chapter 22, Part 1;

(6) Department of Finance and Administration state health planning reserve created or referenced in Title 68, Chapter 11, Part 16;

(7) Department of Finance and Administration, sexual assault program created or referenced in Title 40, Chapter 24, Part 1;

(8) Department of Finance and Administration, domestic assault defendant fines program created or referenced in Title 39, Chapter 13, Part 1;

(9) Board of Probation and Parole, community correction program grants created or referenced in Title 40, Chapter 36, Part 3;

(10) Board of Probation and Parole supervision and rehabilitation accumulated fees created or referenced in Title 40, Chapter 28, Part 2;

(11) Board of Probation and Parole GPS offender tracking fees created or referenced in Title 40, Chapter 28, Part 2;

(12) Department of Agriculture agricultural resources conservation fund created or referenced in Title 67, Chapter 4, Part 4;

(13) Department of Agriculture agricultural regulatory fund created or referenced in Title 43, Chapter 1, Part 7;

(14) Department of Environment and Conservation oil and gas reclamation fund created or referenced in Title 60, Chapter 1, Part 4;

(15) Department of Environment and Conservation solid waste management fund created or referenced in Title 68, Chapter 211, Part 8;

(16) Department of Environment and Conservation used oil collection fund created or referenced in Title 68, Chapter 211, Part 10;

(17) Department of Environment and Conservation hazardous waste remedial action fund created or referenced in Title 68, Chapter 212, Part 2;

(18) Department of Environment and Conservation drycleaner environmental response fund created or referenced in Title 68, Chapter 217, Part 1;

(19) Department of Environment and Conservation environmental protection fund created or referenced in Title 68, Chapter 203, Part 1;

(20) Department of Environment and Conservation heritage conservation trust fund created or referenced in Title 11, Chapter 7, Part 1;

(21) Department of Environment and Conservation lead based paint abatement fund created or referenced in Title 68, Chapter 131, Part 4;

(22) Department of Environment and Conservation voluntary cleanup oversight and assistance fund created or referenced in Title 68, Chapter 212, Part 2;

(23) Department of Environment and Conservation abandoned land program created or referenced in Title 59, Chapter 8, Part 2;

(24) Department of Environment and Conservation underground storage tank fund created or referenced in Title 68, Chapter 215, Part 1;

(25) Department of Environment and Conservation surface mine reclamation fund created or referenced in Title 59, Chapter 8, Part 2;

(26) Department of Environment and Conservation local parks land acquisition fund created or referenced in Title 67, Chapter 4, Part 4;

(27) Department of Environment and Conservation state lands acquisition fund created or referenced in Title 67, Chapter 4, Part 4;

(28) Tennessee Wildlife Resources Agency wetland acquisitions fund created or referenced in Title 67, Chapter 4, Part 4;

(29) Department of Correction sex offender treatment fund created or referenced in Title 39, Chapter 13, Part 7;

(30) Department of Correction work release supervision and rehabilitation accumulated fees created or referenced in Title 40, Chapter 28, Part 2;

(31) Department of Economic and Community Development, fast-track fund created or referenced in Title 4, Chapter 3, Part 7;

(32) Department of Economic and Community Development, film and television incentive grants fund created or referenced in Title 4, Chapter 3, Part 49;

(33) Education trust fund created or referenced in Title 49, Chapter 3, Part 3;

(34) Department of Education driver education fund created or referenced in Title 67, Chapter 4, Part 6;

(35) Department of Education safe schools program created or referenced in Title 49, Chapter 6, Part 43;

(36) Department of Education special schools created or referenced in Title 49, Chapter 50, Part 10;

(37) Department of Education Alvin C. York Institute operational reserve created or referenced in Title 49, Chapter 50, Part 10;

(38) Department of Education, Tennessee school for the blind operational reserve created or referenced in Title 49, Chapter 50, Part 10;

(39) Department of Education, Tennessee school for the deaf operational reserve created or referenced in Title 49, Chapter 50, Part 10;

(40) Department of Education, West Tennessee school for the deaf operational reserve created or referenced in Title 49, Chapter 50, Part 10;

(41) Department of Education boys and girls clubs reserve created or referenced in Title 36, Chapter 6, Part 4;

(42) Department of Financial Institutions bank fees created or referenced in Title 45, Chapter 1, Part 1, and any other law and such funds in a deferred revenue account;

(43) Department of Commerce and Insurance fees created or referenced in Public Acts of 2001, Chapter 333, and Title 56, Chapter 2, Part 5; Title 56, Chapter 4, Part 1; Title 56, Chapter 6, Part 1; Title 56, Chapter 14, Part 1; Title 56, Chapter 32, Part 2; Title 56, Chapter 35, Part 1; and Title 55, Chapter 18, Part 1;

(44) Department of Commerce and Insurance emergency communications funds created or referenced in Title 7, Chapter 86, Part 1;

(45) Department of Commerce and Insurance state board of accountancy fund created or referenced in Title 62, Chapter 1, Part 1;

(46) Department of Commerce and Insurance division of regulatory boards fund created or referenced in Title 56, Chapter 1, Part 3;

(47) Department Of Commerce And Insurance real estate education and recovery education fund created or referenced in Title 62, Chapter 13, Part 2;

(48) Department of Commerce and Insurance real estate education and recovery claims fund created or referenced in Title 62, Chapter 13, Part 2;

(49) Department of Commerce and Insurance auctioneer education and recovery account created or referenced in Title 62, Chapter 19, Part 1;

(50) Department of Commerce and Insurance manufactured housing fund created or referenced in Title 68, Chapter 126, Part 4;

(51) Department of Labor and Workforce Development employment security special administrative fund created or referenced in Title 50, Chapter 7, Part 5;

(52) Department of Labor and Workforce Development Tennessee Occupational Safety and Health Act fund created or referenced in Title 50, Chapter 6, Part 4;

(53) Department of Labor and Workforce Development uninsured employers fund created or referenced in Title 50, Chapter 6, Part 8;

(54) Department of Mental Health and Developmental Disabilities or the Department of Health alcohol and drug addiction treatment fund created or referenced in Title 40, Chapter 33, Part 2;

(55) Department of Health, health access incentive account created or referenced in Title 66, Chapter 29, Part 1;

(56) Department of Health child safety fund created or referenced in Title 55, Chapter 9, Part 6;

(57) Department of Health nursing home residents fund created or referenced in Title 68, Chapter 11, Part 8;

(58) Department of Health traumatic brain injury fund created or referenced in Title 68, Chapter 55, Part 4;

(59) Department of Health, health-related boards fund created or referenced in Title 63, Chapter 1, Part 1;

(60) Department of Revenue C.I.D. anti-theft fund created or referenced in Title 55, Chapter 3, Part 2;

(61) Tennessee Bureau of Investigation fingerprint criminal history database accumulated fees created or referenced in Title 39, Chapter 17, Part 13;

(62) Tennessee Bureau of Investigation expunged criminal offender pretrial diversion database accumulated fees created or referenced in Title 38, Chapter 6, Part 2 and Title 40, Chapter 32, Part 1;

(63) Tennessee Bureau of Investigation intoxicant testing fund created or referenced in Title 55, Chapter 10, Part 4;

(64) Tennessee Bureau of Investigation handgun permit reserve created or referenced in Title 39, Chapter 17, Part 13;

(65) Department of Safety driver education fund created or referenced in Title 67, Chapter 4, Part 6;

(66) Department of Safety motorcycle rider safety fund created or referenced in Title 55, Chapter 51, Part 1;

(67) Department of Safety handgun permit reserve created or referenced in Title 39, Chapter 17, Part 13;

(68) Department of Children's Services child abuse prevention reserve created or referenced in Title 36, Chapter 6, Part 4;

(69) Special revenue fund reserve for dairy promotion board fund created or referenced in Title 44, Chapter 19, Part 1;

(70) Special revenue fund reserve for fraud and economic crimes funds created or referenced in Title 40, Chapter 3, Part 2;

(71) Court system Tennessee judicial information system fund created or referenced in Title 16, Chapter 3, Part 8;

(72) Court system divorcing parents mediation fund created or referenced in Title 36, Chapter 6, Part 4;

(73) Court system court automation hardware replacement revolving loan fund created or referenced in Title 16, Chapter 3, Part 10;

(74) Court system municipal court clerks training and education program created or referenced in Title 16, Chapter 18, Part 3;

(75) Secretary of state voting machines loan fund created or referenced in Title 2, Chapter 9, Part 1;

(76) Secretary of state voting machine reserve fund created or referenced in Title 2, Chapter 9, Part 1;

(77) Secretary of state *Blue Book* reserve created or referenced in Title 8, Chapter 3, Part 1;

(78) Ethics Commission reserve created or referenced in Title 3, Chapter 6, Part 1;

(79) District public defenders indigent defense fund created or referenced in Title 40, Chapter 14, Part 210;

(80) State treasurer small and minority-owned business assistance program created or referenced in Title 65, Chapter 5, Part 1;

(81) Health services and development agency fund created or referenced in Title 68, Chapter 11, Part 16;

(82) Tennessee Regulatory Authority deferred revenue account created or referenced in Title 65, Chapter 1, Part 1 and any other reserve fund maintained by the Tennessee Regulatory Authority;

(83) Tennessee Regulatory Authority assistive telecommunication device distribution program created or referenced in Title 65, Chapter 21, Part 1;

(84) Tennessee Advisory Commission On Intergovernmental Relations accumulated balances or carry-over funds created or referenced in Title 4, Chapter 10, Part 1;

(e) Notwithstanding the provisions of Section 9 of Chapter 333 of the Public Acts of 2001 and any other law to the contrary, transfers are authorized from the Department of Commerce and Insurance fees increased by Chapter 333 of the Public Acts of 2001.

SECTION 2. Tennessee Code Annotated, Section 4-29-121, is amended by deleting the section in its entirety and by substituting instead the following language:

§ 4-29-121.

(a) On or before December 31 each year, the Commissioner of Finance and Administration shall certify to the Government Operations Committee of each house and to the office of legislative budget analysis a list containing the name of each regulatory board, commission and entity administratively attached to the division of regulatory boards within the

Department of Commerce and Insurance or to the division of health-related boards within the Department of Health that did not, during the preceding fiscal year, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity.

(b) Notwithstanding any provision of this chapter to the contrary, any such board, commission or entity that is so certified by the commissioner for two (2) consecutive years shall be reviewed by a joint evaluation committee during the next legislative session following the second consecutive fiscal year during which such board, commission or entity operated at a deficit. The review of any such board, commission or entity shall be conducted in accordance with the provisions of this chapter.

SECTION 3. If any provision of this act or the application of this act to any circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 20, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of June 2008



PHIL BREDESEN, GOVERNOR